

**ENTERED**

September 30, 2024

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DARAIUS DUBASH, *et al*

§

VS

§

CIVIL ACTION NO. H-23-3556

CITY OF HOUSTON, *et al*

§

§

§

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Pending before the Court in the above referenced proceeding is Plaintiffs' Motion for Preliminary Injunction (Doc. No. 13) and Motion to Modify Order Granting Motion to Stay (Doc. No. 64), Majority Defendants' (Discovery Green Conservancy, Robert Douglas, City of Houston, Barry Mandel, and Vern Whitworth) Motion to Dismiss for Failure to State a Claim (Doc. No. 44), Defendant Houston Downtown Park Corporations Motion to Dismiss for Failure to State a Claim (Doc. No. 46); and Magistrate Judge Bennett's Memorandum and Recommendation (Doc. No. 78). Plaintiffs filed Objections (Doc. No. 81) to the Memorandum and Recommendation to which a response (Doc. No. 82) and reply (Doc. No. 83) were filed.

The Court has carefully reviewed, *de novo*, the filings, the applicable law, the Magistrate Judge's Memorandum and Recommendation, and the objections thereto, and agrees with the Magistrate Judge's conclusions. Accordingly, it is hereby

**ORDERED** that Plaintiffs' Objections (Doc. No. 81) are **OVERRULED**, and the Memorandum and Recommendation (Doc. No. 78) is **ADOPTED**. It is further

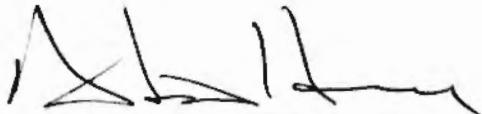
**ORDERED** that Plaintiffs' Motion for Preliminary Injunction (Doc. No. 13) and Motion to Modify Order Granting Motion to Stay (Doc. No. 64) are **DENIED as MOOT**. It is further

**ORDERED** that the Majority Defendants' (Discovery Green Conservancy, Robert Douglas, City of Houston, Barry Mandel, and Vern Whitworth) Motion to Dismiss for Failure to State a Claim (Doc. No. 44) and, Defendant Houston Downtown Park Corporations Motion to Dismiss for Failure to State a Claim (Doc. No. 46) are **GRANTED**.

This Court elects not to exercise supplemental jurisdiction over the claims filed under State law and therefore dismisses those without prejudice. This case is **DISMISSED**.

Entry of this Order shall constitute entry of final judgment.

SIGNED this 30<sup>th</sup> day of September 2024.



ANDREW S. HANEN  
UNITED STATES DISTRICT JUDGE